



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Terrell Harrigan

Richmond, VA 23221

NOV 21 2014

RE: MUR 6693

Dear Ms. Harrigan:

On November 16, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On November 18, 2014, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)) with respect to the allegations in this matter. Accordingly, the Commission closed its file in this matter on November 18, 2014.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

A handwritten signature in black ink, appearing to be "Jeff S. Jordan", is written over the typed name and title.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Terrell Harrigan

MUR 6693

I. INTRODUCTION

This matter was generated by a Complaint asserting violations of the Federal Election Campaign Act of 1971, as amended (the "Act")¹ by Respondent Terrell Harrigan in connection with allegedly excessive contributions to Jackson for Virginia and Theodora J. Jackson in her official capacity as treasurer (collectively, the "Committee").² After reviewing the record, the Commission found no reason to believe that Terrell Harrigan made excessive contributions, in violation of 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)).

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Smith notes that the Committee disclosed the following contributions: \$1,000 from "Mrs. Elizabeth C. Jenks" on March 12, 2012;³ \$1,000 from "Mrs. Chardon Jenks" on April 18, 2012;⁴ \$500 from "Mrs. Chardon Jenks" on April 24, 2012;⁵ and \$2,500 from "Mrs. Elizabeth C.

¹ On September 1, 2014, the Act was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Jackson for Virginia is the principal campaign committee of Earl W. Jackson, Sr., unsuccessful 2012 primary election candidate for U.S. Senate for Virginia. All of the contributions in this matter are attributed to the primary election.

³ See Committee's 2012 April Quarterly Report, filed on April 14, 2012 ("Committee's April Quarterly Report") at 6.

⁴ See Committee's 2012 12-Day Pre-Primary Report, filed on May 31, 2012 ("Committee's Pre-Primary Report") at 8.

⁵ See Committee's Pre-Primary Report at 8.

1 Jenks" on June 11, 2012.⁶ Compl. at 1. The addresses for the contributions are nearly identical
2 post office boxes in Keswick, Virginia. *Id.*⁷ The Complaint alleges that "Elizabeth C. Jenks"
3 and "Chardon Jenks" are in fact the same individual, and that she contributed \$5,000 to the
4 Committee.⁸ *Id.* Therefore, according to the Complaint, Elizabeth C. Jenks, aka "Chardon
5 Jenks," and the Committee violated the Act by making and accepting excessive contributions,
6 respectively. *Id.*

7 The Complaint also alleges that "Elizabeth Harrigan," whom the Complaint identifies as
8 Jenks's sister-in-law, contributed \$1,000 to the Committee on June 11, 2012, and that "Terrell
9 Harrigan,"⁹ identified as Jenks's niece, contributed \$2,500 on June 11, 2012.¹⁰ Compl. at 1.
10 The Complaint claims that these contributions "may all be from one and the same person" or,
11 alternatively, may have been "laundered through relatives." *Id.* According to the Complaint, an
12 obituary for Mrs. Jenks's late husband, Dr. John S. Jenks, a copy of which is appended to the
13 Complaint,¹¹ supports these assertions. *Id.*; see also Compl., Attach. The Complaint surmises
14 that the Committee may have been aware of "the attempt to conceal the apparently excessive
15 contributions." *Id.*¹²

⁶ See Committee's 2012 July Quarterly Report, filed on July 14, 2012 ("Committee's July Quarterly Report") at 6.

⁷ See Committee's April Quarterly Report at 6; Committee's Pre-Primary Report at 8; and Committee's July Quarterly Report at 6.

⁸ The contribution limit in 2011-2012 was \$2,500 per election to a candidate's committee. See FEC Brochure for March 2011 at 6; available at <http://www.fec.gov/pdf/record/2011/march11.pdf#page=7>.

⁹ The Complaint uses the surname "Harrington," instead of "Harrigan."

¹⁰ See Committee's July Quarterly Report at 5-6.

¹¹ No source for the obituary is provided.

¹² The Complaint offers no credible support for these allegations. Therefore, the Commission did not address them further.

1 Terrell Harrigan submitted a sworn and notarized Response, in which she stated that in
2 June 2012, she donated "the maximum limit" of \$2,500 to the Committee for the 2012 primary.

3 Terrell Harrigan Resp. at 1.

4 **B. Legal Analysis**

5 A "contribution" is defined as any "gift, subscription, loan . . . or anything of value made
6 by any person for the purpose of influencing any election for Federal office." 52 U.S.C.
7 § 30101(8)(A)(i) (formerly 2 U.S.C. § 431(8)(A)(i)); *see also* 11 C.F.R. § 100.52(a). An
8 individual is prohibited from making contributions to a candidate in excess of the limits at
9 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)).

10 It appears that Respondent Terrell Harrigan did not make an excessive contribution to the
11 Committee. According to her sworn and notarized response, Terrell Harrigan contributed only
12 \$2,500 to the Committee in the 2012 cycle. Therefore, the Commission found no reason to
13 believe that Terrell Harrigan violated 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C.
14 § 441a(a)(1)(A)) with respect to the allegations in this matter.